

III. Remarks

A. Status of the Claims

Claims 62, 63, 65, 66, 69, and 70 have been amended without prejudice.

New claims 75-85 have been added.

Support for the amended and new claims can be found throughout the specification and in the original claims. In particular, support for new claims 75-78 can be found, e.g., on pages 64-66 of the specification. Support for new claims 79 and 81 can be found, e.g., on page 5, line 33, to page 6, line 38. Support for new claims 80 and 82 can be found, e.g., on page 13, lines 21-22, of the specification. Support for new claims 83 and 85 can be found, e.g., on page 10, lines 16-17, of the specification. Support for new claim 84 can be found, e.g., on page 66, lines 20-23, of the specification.

Applicants respectfully submit that no new matter has been added by virtue of these amendments.

Claims 62-75 are now pending, with claim 68 being withdrawn from consideration.

B. Substance of Interview

In accordance with the provisions of 37 CFR 1.133, Applicants herein make of record the substance of the interview conducted on July 22, 2008, between Applicants' attorneys, Philip C. Strassburger and Oleg Ioselevich, and Examiners Humera N. Sheikh and James Henry Alstrum-Acevedo.

During the interview, the following references were discussed in view of the present claims and the rejections made in the Office Action of June 12, 2008: WO 99/32120 to

Palermo; U.S. Patent No. 4,844,907 to Elger et al. and U.S. Patent No. 5,149,538 to Granger et al.

Applicants thank the Examiners for granting the interview, and respectfully request that the substance of interview be made of record.

C. Claim Rejections- 35 USC § 103

Claims 62-67 and 69-74 were rejected under 35 U.S.C. § 103(a) over WO 99/32120 to Palermo (“the Palermo publication”) in view of U.S. Patent No. 4,844,907 to Elger (“the Elger patent”). The Palermo publication was relied for the teaching a “layered dosage form.”

The rejection is respectfully traversed. However, to expedite allowance, independent claims 62 and 63 have been amended without prejudice to recite that the hydrophobic material sequesters the opioid antagonist, and that “the composition is free from an opioid agonist.”

Applicants submit that the combination of the cited references does not teach or suggest a sequestered opioid antagonist composition as recited in independent claims 62 and 63.

Applicants further submit that the combination of the cited references does not teach or suggest the structure of the compositions recited in the present claims, for the reasons set forth in the response filed on January 24, 2008.

With further regard to claims 65 and 69, it is respectfully submitted that the combination of the cited references does not teach or suggest a dosage form comprising an opioid agonist and an opioid antagonist, wherein the hydrophobic material separates the opioid antagonist from the opioid agonist.

With regard to new claims 75-79, 81, and 83-85 it is respectfully submitted that the cited references do not teach the degree of sequestration recited in these claims.

Withdrawal of the rejection is respectfully requested.

D. Double Patenting Rejections

Claims 63 and 71-72 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 48, 51, and 56 of copending Application No. 10/389,238.

Claims 62-63 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claim 41 of copending Application No. 10/401,111.

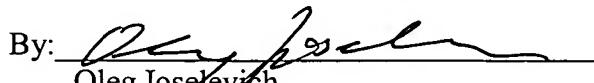
Claims 62-64 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 2-3 and 15-17 of copending Application No. 10/524,334.

Applicants acknowledge the double patenting rejections and submit that filing of terminal disclaimers will be considered upon indications that claims are otherwise allowable.

IV. Conclusion

An early and favorable action on the merits is earnestly solicited. According to currently recommended Patent Office policy, the Examiner is requested to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Oleg Ioselevich
Reg. No. 56,963

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940